

Agency 106

Law Enforcement Training Commission

Articles

106-1. PEACE OFFICERS STANDARDS AND TRAINING.

Article 1.—PEACE OFFICERS STANDARDS AND TRAINING

106-1-1. Definitions. As used in these rules and regulations, unless the context clearly requires otherwise, the following words and phrases shall have the meaning ascribed to them in this section:

(a) “Commission” means the Kansas law enforcement training commission created by K.S.A. 74-5606 and amendments thereto.

(b) “Hearing board” means a hearing panel comprised of three members of the commission appointed by the chairman.

(c) “Certification” means that a person has been certified to perform the function of law enforcement by the commission.

(d) “Certified law enforcement officer” means:

(1) Those law enforcement officers, as defined in K.S.A. 74-5602(e), who were employed by a law enforcement agency prior to July 1, 1969, and who therefore are certified under K.S.A. 74-5607a;

(2) Those law enforcement officers, as defined in K.S.A. 75-5602(e), who have successfully completed a certified basic training course in the state of Kansas after July 1, 1969;

(3) Those law enforcement officers, as defined in K.S.A. 74-5602(e), who have been certified under reciprocity agreements with other states; and

(4) Railroad policemen who were appointed pursuant to K.S.A. 66-524. (Authorized by and implementing K.S.A. 1983 Supp. 74-5616; effective, T-84-31, Nov. 22, 1983; effective May 1, 1984.)

106-1-2. Grounds for suspension, revocation or denial of certification. The commission may suspend, revoke or deny the certification of any police or law enforcement officer issued under the Kansas law enforcement training act, K.S.A. 74-5601 *et seq.*, if that police or law enforcement officer fails to meet the requirements of that act or if that officer met the requirements by falsifying documents or failing to disclose information required for certification. (Authorized

by and implementing K.S.A. 1983 Supp. 74-5616; effective, T-84-31, Nov. 22, 1983; effective May 1, 1984.)

106-1-3. Investigation and hearings on charges. (a) Upon the verified, written complaint of any person setting forth facts which, if proven, would constitute grounds for denial, suspension or revocation of certification, as herein set forth, the commission shall investigate the actions of any officer holding or claiming to hold a certification. The commission may also initiate such an action upon its own motion. The commission shall, before denying, suspending or revoking any certification, give written notice of any charges made to the applicant or holder of such certification at least 20 days prior to the date set for hearing. The commission shall afford such a person an opportunity to be heard in person or by counsel in reference to the charges. The written notice may be served by personal delivery to the accused person, or by mailing the notice by registered or certified mail.

(b) At the time and place fixed in the notice designated by the commission, the hearing board shall hear the charges and shall afford both the accused person and the complainant ample opportunity to present any statements, testimony, evidence and arguments that may be pertinent to the charges or to any defense thereto. One member of the hearing board shall be designated as chairperson. The chairperson may continue the hearing from time to time. (Authorized by and implementing K.S.A. 1983 Supp. 74-5616; effective, T-84-31, Nov. 22, 1983; effective May 1, 1984; amended May 1, 1985.)

106-1-4. Rules of evidence. The rules of evidence set forth in K.S.A. 60-401 *et seq.* shall be applied by the chairman of the hearing board. However, the technical rules of evidence may be relaxed or suspended when, in the opinion of the chairman, non-application of the technical rules would aid in ascertaining the facts and best serve

the interests of the parties concerned. (Authorized by and implementing K.S.A. 1983 Supp. 74-5616; effective, T-84-31, Nov. 22, 1983; effective May 1, 1984.)

106-1-5. Record of proceedings. The commission shall preserve a record of all proceedings at any hearing before it. The notice of hearing, complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript or recording of testimony, the decision of the hearing board and the orders of the commission shall be the record of such proceedings. (Authorized by and implementing K.S.A. 1983 Supp. 74-5616; effective, T-84-31, Nov. 22, 1983; effective May 1, 1984.)

106-1-6. Hearing board decision and review. The hearing board shall render its decision within 10 days of the conclusion of the hearing and shall send the written decision to the parties involved by registered or certified mail or by personal service. Any party may, within 10 days of the board's decision, request that the commission review the decision of the board. Such a review shall

be completed by the commission within 30 days after the request, and shall be made by review of the record. (Authorized by and implementing K.S.A. 1983 Supp. 74-5616; effective, T-84-31, Nov. 22, 1983; effective May 1, 1984.)

106-1-7. Voluntary revocation, suspension or denial and waiver of hearing. Any certified law enforcement officer who is the subject of an investigation or pending action involving possible revocation, suspension or denial of certification may consent, in writing, to voluntary revocation, suspension or denial and waiver of hearing. (Authorized by and implementing K.S.A. 1983 Supp. 74-5616; effective, T-84-31, Nov. 22, 1983; effective May 1, 1984; amended May 1, 1985.)

106-1-8. Reinstatement of certification. Any person whose certification has been revoked, suspended or denied may be reinstated only upon written application and by the majority consent of the commission. (Authorized by and implementing K.S.A. 1983 Supp. 74-5616; effective, T-84-31, Nov. 22, 1983; effective May 1, 1984; amended May 1, 1985.)